IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 320 of 2007(K)

PETITIONER:

R. RADHAKRISHNAN NAIR, GEOLOGIST,
DIRECTORATE OF MINING & GEOLOGY,
THIRUVANANTHAPURAM.

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT,
INDUSTRIES (A) DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 320 of 2007(K)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF MEMO OF CHARGES DATED 19-06-2003

EXHIBIT-P2: TRUE COPY OF WRITTEN STATEMENT SUBMITTED BY THE PETITIONER DATED 05-06-2004

EXHIBIT-P3: TRUE COPY OF NOTICE DATED 07-07-2005

EXHIBIT-P4: TRUE COPY OF ADDITIONAL WRITTEN STATEMENT SUBMITTED BY THE PETITIONER DATED 25-07-2005

EXHIBIT-P5: TRUE COPY OF ORDER DATED 06-12-2005 ISSUED BY THE RESPONDENT

EXHIBIT-P6: TRUE COPY OF REVIEW PETITION DATED 04-02-2006

EXHIBIT-P7: TRUE COPY OF ORDER DATED 22-08-2006 ISSUED BY THE RESPONDENT

/TRUE COPY/

P.A. TO JUDGE

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.320 of 2007-K

Dated this the 19th day of June, 2007.

J U D G M E N T

The petitioner challenges, Exts.P5 and P7 orders. It is pointed out that a penalty has been imposed on him, by Ext.P5 order, based on an enquiry report of the Deputy Superintendent of Police, Nedumangad. It is common case that the copy of the said report has not been furnished to the petitioner. It is also the common case that the action against him was taken, based on the findings, in that report. So, the petitioner submits, the impugned order, Ext.P5, is passed, in violation of the principles of natural justice. The review petition filed against Ext.P5, has been dismissed by Ext.P7.

2. I heard the learned Government Pleader for the respondent also. In view of the admitted violation of the principles of natural justice, Exts.P5 and P7 are quashed. The first respondent is directed to furnish a copy of the enquiry report, to the petitioner and pass fresh orders in the matter, in accordance with law, after affording an opportunity of being heard to the petitioner, within four months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS